

## Subpart UU—Vermont

### § 52.2370 Identification of plan.

(a) Title of plan: "State of Vermont Implementation Plan for the Achievement of National Air Quality Standards."

(b) The plan was officially submitted on January 29, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Notice of public hearing submitted on February 3, 1972, by the Vermont Agency of Environmental Conservation.

(2) Miscellaneous non-regulatory revisions to the plan submitted on February 25, 1972, by the Vermont Agency of Environmental Conservation.

(3) Miscellaneous changes to regulations 5-412, 5-466, 5-467, 5-481, 5-486, 5-487, and 5-488 submitted on May 19, 1972, by the Vermont Agency of Environmental Conservation.

(4) Revision to the particulate emission limitation or Fuel Burning Equipment, revision to Rule 6, "Rules of Practice," of the Air Quality Variance Board and miscellaneous non-regulatory revisions submitted on March 3, 1975, by the Vermont Agency of Environmental Conservation.

(5) Revision to Chapter 5, "Incinerator Emissions" submitted on November 30, 1973, by the Vermont Agency of Environmental Conservation.

(6) Revision to Vermont Regulations, Chapter 5, "Air Pollution Control", by letter submitted on July 19, 1976 by the Vermont Agency of Environmental Conservation.

(7) Revision to Regulation 5-231, Prohibition of Particulate Matter, section 1, Industrial Process Emissions, with respect to wood processing operations, submitted by the Vermont Secretary of Environmental Conservation on April 11, 1977.

(8) Revisions to Chapter 5 of the Vermont Air Pollution Control Regulations, submitted by the Secretary of Environmental Conservation on February 21, 1978.

(9) Plans to meet various requirements of the Clean Air Act, including Part C, were submitted on March 21 and November 21, 1979. Included in these revisions is a program for the review of construction and operation of

new and modified major stationary sources of pollution in attainment areas.

(10) Attainment plans to meet the requirements of Part D and the Clean Air Act, as amended in 1977, were submitted on March 21, November 21, November 27 and December 19, 1979. Included are plans to attain: The secondary TSP standard for Barre City and a portion of the Champlain Valley Air Management Area, the carbon monoxide standard in the Champlain Valley Air Management Area and the ozone standard in Chittenden, Addison, and Windsor Counties. A program was also submitted for the review of construction and operation of new and modified major stationary sources of pollution in non-attainment areas. Certain miscellaneous provisions were also included.

(11) A plan to provide for public, local and state involvement in federally funded air pollution control activities was submitted on March 28, 1980.

(12) A plan to attain and maintain the National Ambient Air Quality Standard for lead was submitted on June 24, 1980 by the Secretary of the Vermont Agency of Environmental Conservation. A letter further explaining the state procedures for review of new major sources of lead emissions was submitted on November 7, 1980 by the Director, Air & Solid Waste Programs, Vermont Agency of Environmental Conservation.

(13) A revision to the air quality monitoring network which meets the requirements of 40 CFR part 58, submitted on March 21, 1979 by the Governor of Vermont.

(14) A revision to regulation 5-221(1), "Sulfur Limitation in Fuel," submitted by the Secretary of the Vermont Agency of Environmental Conservation on November 13, 1979.

(15) Revisions to amend Regulations 5-101 "Definitions", 5-501 "Review of Construction or Modification of New Air Contaminant Sources", 5-502 "Major Stationary Sources", and Section 9 of the non-regulatory portion of the SIP; to delete Regulations 5-253(1) "Storage of Volatile Organic Compounds", 5-253(3), "Bulk Gasoline Terminals", and 5-231(4) "Potentially Hazardous Particulate Matter"; to add

Regulation 5-261 "Control of Hazardous Air Contaminants"; and to amend Table 3 of the Regulations "Levels of Significant Impact for Nonattainment Areas"; submitted by the Secretary of the Vermont Agency of Environmental Conservation on August 24, 1981.

(16) A revision to Regulation 5-231, "Prohibition of Particulate Matter," by the addition of subparagraph (3)(b) submitted by the Secretary of the Vermont Agency of Environmental Conservation for all but three stationary wood-fired combustion sources (excluded from submittal: Moran Generating Station, Burlington Electric Department; Rutland Plywood Company; and Cersosimo Lumber Company) on February 12, 1982.

(17) A revision to approve Regulation 5-231(3)(b) for Cersosimo Lumber Company submitted on March 23, 1983 by the Secretary of the Vermont Agency of Environmental Conservation. (Note: The Cersosimo Lumber Company was excluded from the original approval of Regulation 5-231(3)(b) into the Vermont SIP identified at subparagraph (c)(16) above.)

(18) A revision to approve Vermont Regulation 5-231(3)(b) for Rutland Plywood Corporation, submitted on October 19, 1984 by the Secretary of the Vermont Agency of Environmental Conservation.

NOTE: Rutland Plywood Corporation was excluded from the original approval of Regulation 5-231(3)(b) in the Vermont SIP, identified at paragraph (c)(16) above.

(19) A plan to protect visibility in the Lye Brook Wilderness, a mandatory Class I Federal area, from impairment caused by plume blight and to monitor visibility, in fulfillment of the requirements of 40 CFR part 51, subpart P. Submitted on April 15, 1986, the plan approves, only as they apply to mandatory Class I Federal areas, revisions to Vermont Regulations 5-101 (3), (14), (21), (59), and (76); 5-501(4); and 5-502 (4)(d) and (4)(e).

(i) Incorporation by reference.

(A) Amendments to Environmental Protection Regulations Chapter 5, Air Pollution Control, Subchapter I. Definitions, 5-101 at subsections (3), (14), (21), (59), and (76), filed in its adopted form on September 2, 1986.

(B) Amendments to Environmental Protection Regulations Chapter 5, Air Pollution Control, Subchapter V. Review of New Air Contaminant Sources, 5-501 at subsection (4) requiring responsiveness to comments and any analyses submitted by any Federal Land Manager, filed in its adopted form on September 2, 1986.

(C) Amendments to Environmental Protection Regulations Chapter 5, Air Pollution Control, Subchapter V. Review of New Air Contaminant Sources, 5-502 at subsection (4)(d) requiring a demonstration of no adverse impact on visibility in any Class I Federal area; and at subsection (4)(e) which reletters the former subsection (4)(d), filed in its adopted form on September 2, 1986.

(ii) Additional material.

(A) Narrative submittal consisting of two volumes entitled, "Implementation Plan for the Protection of Visibility in the State of Vermont" and "Appendices" describing procedures, notifications, and technical evaluations to fulfill the visibility protection requirements of 40 CFR part 51, subpart P.

(20) Revisions to the State Implementation Plan submitted by the Vermont Air Pollution Control Division on December 7, 1990 and January 10, 1991.

(i) Incorporation by reference.

(A) Letter dated December 7, 1990 and letter with attachments dated January 10, 1991 from the Vermont Air Pollution Control Division submitting revisions to the Vermont State Implementation Plan.

(B) Section 5-301 "Scope," section 5-309 "Nitrogen Dioxide—Primary and Secondary Ambient Air Quality Standards," and Table 2 "Prevention of Significant Deterioration (PSD) Increments," of Chapter 5 "Air Pollution Control" of Vermont's Environmental Protection Regulations effective in the State of Vermont on December 7, 1990.

(ii) Additional materials.

(A) A state implementation plan narrative dated November, 1990 and entitled "State of Vermont Air Quality Implementation Plan.

(B) Nonregulatory portions of the state submittal.

(21) Revisions to the State Implementation Plan submitted by the Vermont

Air Pollution Control Division on August 9, 1993.

(i) Incorporation by reference.

(A) Letter dated August 9, 1993 from the Vermont Air Pollution Control Division submitting revisions to the Vermont State Implementation Plan. Vermont resubmitted Vermont's rule entitled "Registration of Air Contaminant Sources," Sections 5-801 through 5-806 and the SIP narrative entitled "State of Vermont Air Quality Implementation Plan, February 1993" to meet the emission statement requirements of the Clean Air Act Amendments of 1990.

(B) Letter dated February 4, 1993 from the Vermont Air Pollution Control Division submitting revisions to the Vermont State Implementation Plan which included Vermont's rule entitled "Registration of Air Contaminant Sources," Sections 5-801 through 5-806 and the SIP narrative entitled "State of Vermont Air Quality Implementation Plan, February 1993" to meet the emission statement requirements of the Clean Air Act Amendments of 1990. Sections 5-801 through 5-806 were previously adopted by Vermont and became effective on April 20, 1988.

(C) Section 5-801 "Definitions," section 5-802 "Requirement for Registration," section 5-803 "Registration Procedure," section 5-804 "False or Misleading Information," section 5-805 "Commencement or Recommencement of Operation," and section 5-806 "Transfer of Operation" effective on April 20, 1988.

(ii) Additional materials.

(A) Vermont's SIP narrative entitled "State of Vermont Air Quality Implementation Plan, February 1993" which addresses emission statement requirements not covered by sections 5-801 through 5-806.

(B) Letter dated October 5, 1994 from the Vermont Air Pollution Control Division which clarifies Vermont procedures in developing the emission statement information.

(C) Nonregulatory portions of the submittal.

(22) Revisions to the State Implementation Plan submitted by the Vermont Air Pollution Control Division on August 9, 1993 and March 20, 1995.

(i) Incorporation by reference.

(A) Letters from the Vermont Air Pollution Control Division dated August 9, 1993 and March 20, 1995 submitting revisions to the Vermont State Implementation Plan.

(B) Regulations, including section 5-101, "Definitions," subsection 5-251(2), "Reasonably available control technology for large stationary sources," and, subsection 5-253.20, "Other Sources That Emit Volatile Organic Compounds," adopted on July 9, 1993 and effective on August 13, 1993.

(C) Administrative orders for Simpson Paper Company, in Gilman, Vermont, and, U.S. Samaica Corporation, in Rutland, Vermont, both adopted and effective on January 4, 1995.

(23) Revisions to the State Implementation Plan submitted by the Vermont Air Pollution Control Division in November, 1990, establishing a PM<sub>10</sub> standard.

(i) Incorporation by reference.

(A) Letter from the Vermont Air Pollution Control Division dated December 10, 1990 submitting a revision to the Vermont State Implementation Plan.

(B) Section 5 of the Vermont air quality State Implementation Plan, dated November, 1990.

(24) Revision to the State Implementation Plan submitted by the Vermont Department of Environmental Conservation on March 7, 1996.

(i) Incorporation by reference.

(A) Letter from the Vermont Department of Environmental Conservation dated March 7, 1996 submitting a revision to the Vermont State Implementation Plan.

(B) Amendments to Table 2 "Prevention of Significant Deterioration Increments" referenced in Section 5-502(4)(c) of the Vermont Agency of Natural Resources Environmental Regulations (effective July 29, 1995).

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(25) Revisions to the State Implementation Plan submitted by the Vermont Air Pollution Control Division on February 3, 1993, August 9, 1993, and August 10, 1994.

(i) Incorporation by reference.

(A) Letters from the Vermont Air Pollution Control Division dated February 4, 1993, August 9, 1993, and August 10, 1994 submitting revisions to the Vermont State Implementation Plan.

(B) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5-253.1, entitled "Petroleum Liquid Storage in Fixed Roof Tanks," effective in the State of Vermont on November 13, 1992.

(C) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5-253.2, entitled "Bulk Gasoline Terminals," effective in the State of Vermont on November 13, 1992.

(D) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5-253.3, entitled "Bulk Gasoline Plants," effective in the State of Vermont on November 13, 1992.

(E) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5-253.4, entitled "Gasoline Tank Trucks," effective in the State of Vermont on November 13, 1992.

(F) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5-253.5, entitled "Stage I Vapor Recovery Controls at Gasoline Dispensing Facilities," effective in the State of Vermont on November 13, 1992.

(G) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5-253.10, entitled "Paper Coating," effective in the State of Vermont on November 13, 1992.

(H) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5-253.12, entitled "Coating of Flat Wood Paneling," effective in the State of Vermont on November 13, 1992.

(I) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5-253.13, entitled "Coating of Miscellaneous Metal Parts," effective in the State of Vermont on August 13, 1993.

(J) Chapter 5 of the Agency of Natural Resources Environmental Protec-

tion Regulations, Subsection 5-253.14, entitled "Solvent Metal Cleaning," effective in the State of Vermont on August 13, 1993.

(K) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5-253.15, entitled "Cutback and Emulsified Asphalt," effective in the State of Vermont on August 17, 1994.

(L) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5-101, entitled "Definitions," effective in the State of Vermont on November 13, 1992.

(M) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5-101, entitled "Definitions," effective in the State of Vermont on August 13, 1993.

(ii) Additional materials.

(A) Vermont Agency of Natural Resources document entitled "State of Vermont: Air Quality Implementation Plan" dated August 1993.

(B) Letter from the Vermont Agency of Natural Resources dated September 30, 1996 submitting a negative declaration for the shipbuilding and repair Control Techniques Guideline (CTG) category.

(C) Letter from the Vermont Agency of Natural Resources dated April 20, 1994 submitting a negative declaration for the synthetic organic chemical manufacturing industry (SOCMI) distillation and reactor processes CTG categories.

(D) Letters from the Vermont agency of Natural Resources dated April 6, 1992 and August 28, 1992 submitting negative declarations for several pre-1990 CTG categories.

(E) Nonregulatory portions of the submittal.

[37 FR 10898, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2370, see the List of CFR Sections Affected in the Finding Aids section of this volume.

#### § 52.2371 Classification of regions.

The Vermont plan was evaluated on the basis of the following classifications:

| Air quality control region        | Pollutant          |               |                  |                 |       |
|-----------------------------------|--------------------|---------------|------------------|-----------------|-------|
|                                   | Particulate matter | Sulfur oxides | Nitrogen dioxide | Carbon monoxide | Ozone |
| Champlain Valley Interstate ..... | II                 | II            | III              | III             | III   |
| Vermont Intrastate .....          | II                 | II            | III              | III             | III   |

[37 FR 10898, May 31, 1972, as amended at 45 FR 10782, Feb. 19, 1980]

**§ 52.2372 Approval status.**

With the exceptions set forth in this subpart, the Administrator approves Vermont's plan as identified in § 52.2370 for the attainment and maintenance of the national standards under section 110 of the Clean Air Act. Furthermore, the Administrator finds the plans satisfy all requirements of Part D, Title I, of the Clean Air Act, as amended in 1977, except as noted below. In addition, continued satisfaction of the requirements of Part D for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by July 1, 1980 for the sources covered by CTGs issued between January, 1978 and January, 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by CTGs issued by the previous January.

[45 FR 10782, Feb. 19, 1980]

**§ 52.2373 Legal authority.**

(a) The requirements of § 51.230(f) of this chapter are not met. Vermont does not have the authority to make emissions data available to the public since 10 V.S.A. section 363 would require the data to be held confidential if a source certified that it related to production or sales figures, unique processes, or would tend to affect adversely the competitive position of the owner.

[37 FR 10899, May 31, 1972, as amended at 51 FR 40676, Nov. 7, 1986]

**§ 52.2374 General requirements.**

(a) The requirements of § 51.116(c) of this chapter are not met since the plan does not provide for public availability of emission data.

(b) Regulation for public availability of emission data. (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as

specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1-June 30 and July 1-December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources

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will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

[37 FR 10899, May 31, 1972, as amended at 40 FR 55333, Nov. 28, 1975; 51 FR 40676, Nov. 7, 1986]

40 CFR Ch. I (7-1-98 Edition)

**§ 52.2375 Attainment dates for national standards.**

The following table presents the latest dates by which the national standards are to be attained. The dates reflect the information presented in Vermont's plan.

| Air quality control region and nonattainment area <sup>1</sup> | Pollutant       |           |      |                 |    |                |
|--|-----------------|-----------|------|-----------------|----|----------------|
|  | SO <sub>2</sub> |           | PM10 | NO <sub>x</sub> | CO | O <sub>3</sub> |
|  | Primary         | Secondary |      |                 |    |                |
| Champlain Valley Interstate—Chittenden County:                 |                 |           |      |                 |    |                |
| Champlain Valley Air Management Area:                          |                 |           |      |                 |    |                |
| Essex Town (including Essex Jct.)                              | a               | a         | a    | a               | b  | b              |
| Burlington City  | a               | a         | a    | a               | b  | b              |
| South Burlington City  | a               | a         | a    | a               | b  | b              |
| Winooski   | a               | a         | a    | a               | b  | b              |
| Remainder of Air Management Area                               | a               | a         | a    | a               | b  | b              |
| Remainder of County  | a               | a         | a    | a               | a  | b              |
| Vermont Valley Air Management Area                             | a               | a         | a    | a               | a  | a              |
| Addison County   | a               | a         | a    | a               | a  | b              |
| Remainder of AQCR  | a               | a         | a    | a               | a  | a              |
| Vermont Interstate:  |                 |           |      |                 |    |                |
| Central Vermont Air Management Area:                           |                 |           |      |                 |    |                |
| Barre City   | a               | a         | a    | a               | a  | a              |
| Remainder of Air Management Area                               | a               | a         | a    | a               | a  | a              |
| Windsor County   | a               | a         | a    | a               | a  | b              |
| Remainder of AQCR  | a               | a         | a    | a               | a  | a              |

<sup>1</sup> Sources subject to plan requirements and attainment dates established under section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with those regulations by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.2375, revised as of July 1, 1978.

a. Air quality levels presently below secondary standards or area is unclassifiable.

b. 12/31/82.

[45 FR 10782, Feb. 19, 1980; 46 FR 33525, June 30, 1981, as amended at 62 FR 41869, Aug. 4, 1997]

**§ 52.2377 Review of new sources and modifications.**

Regulation 5–501(3) entitled “Default Permits” is disapproved.

[45 FR 10782, Feb. 19, 1980]

**§ 52.2378 Certification of no facilities.**

On June 6, 1986, the Vermont Agency of Environmental Conservation submitted a letter certifying that there are no facilities within the State’s boundaries subject to the Continuous Emissions Monitoring requirements of 40 CFR part 51, Appendix P. This negative declaration was submitted to EPA in accordance with 40 CFR 51.19(e).

[51 FR 42221, Nov. 24, 1986]

**§ 52.2379 [Reserved]**

**§ 52.2380 Significant deterioration of air quality.**

The program to review the construction and operation of new and modified major stationary sources in attain-

ment areas is approved as meeting the requirements of Part C, except regulation 5–501(3) entitled “Default permits”, and a portion of the SIP revision narrative from the first full paragraph on pages 9–11 through the first four lines of pages 9–12 inclusive, both of which were submitted on March 21, 1979 and which are disapproved.

[45 FR 6784, Jan. 30, 1980]

**§ 52.2381 EPA-approved Vermont State regulations.**

The following table identifies the state regulations which have been submitted to and adopted by EPA as revisions to the Vermont State Implementation Plan. This table is for informational purposes only and does not have any independent regulatory effect. To determine regulatory requirements for a specific situation consult the plan identified in § 52.2370. To the extent that this table conflicts with §§ 52.2370, 52.2370 governs.

TABLE 52.2381—EPA-APPROVED REGULATIONS  
[Vermont SIP regulations 1972 to present]

| State citation, title and subject                                    | Date adopted by State | Date Approved by EPA | FEDERAL REGISTER Citation | Section 52.2370 | Comments and un-approved sections  |
|--|-----------------------|----------------------|---------------------------|-----------------|--|
| Chapter 5 Air Pollution Control                                      |                       |                      |                           |                 |  |
| Subchapter I Definitions   |                       |                      |                           |                 |  |
| Section 5–101 Definitions .....                                      | 12/10/72              | 5/31/72              | 37 FR 10899 .....         | (b) .....       |  |
|  | 12/10/72              | 5/14/73              | 38 FR 12713 .....         | (c)(3) .....    |  |
|  | 11/19/73              | 3/22/76              | 41 FR 11819 .....         | (c)(5) .....    |  |
|  | 12/16/74              | 1/21/76              | 41 FR 3085 .....          | (c)(4) .....    |  |
|  | 1/25/78               | 12/21/78             | 43 FR 59496 .....         | (c)(8) .....    |  |
|  | 8/12/78               | 4/16/82              | 47 FR 16331 .....         | (c)(16) ...     | All of 5–101 (1–42) approved. Related to wood-fired boilers.                           |
|  | 3/24/79               | 1/30/80              | 45 FR 6781 .....          | (c)(9) .....    | Related to PSD.  |
|  | 11/4/79               | 2/19/80              | 45 FR 10775 .....         | (c)(10) ...     | All of 5–101 (1–62) approved.  |
|  | 11/3/81               | 2/10/82              | 47 FR 6014 .....          | (c)(15) ...     |  |
|  | 9/17/86               | 7/17/87              | 52 FR 26982 .....         | (c)(19) ...     | Related to visibility in Class I areas. 5–101(3), (14), (21), (59), and (76) approved. |
|  | 7/9/93                | 4/9/97               | 62 FR 17087 .....         | (c)(22) ...     | Adds definition of reasonably available control technology (RACT).                     |
|  | 10/29/92              | 4/22/98              | 63 FR 19828 .....         | (c)(25) ...     | Add definitions associated with VOC RACT rules.  |
|  | 7/29/93               |                      |                           |                 |  |
| Subchapter II Prohibitions   |                       |                      |                           |                 |  |
| Section 5–201 Open burning prohibited .....                          | 12/10/72              | 5/31/72              | 37 FR 10899 .....         | (b) .....       |  |
|  | 1/25/78               | 12/21/78             | 43 FR 59496 .....         | (c)(8) .....    |  |
| Section 5–202 Permissible open burning ...                           | 12/10/72              | 5/31/72              | 37 FR 10899 .....         | (b) .....       |  |
|  | 1/25/78               | 12/21/78             | 43 FR 59496 .....         | (c)(8) .....    |  |
| Section 5–203 Procedures for local authorities to burn natural wood. | 12/10/72              | 5/31/72              | 37 FR 10899 .....         | (b) .....       |  |
|  | 1/25/78               | 12/21/78             | 43 FR 59496 .....         | (c)(8) .....    |  |

TABLE 52.2381—EPA-APPROVED REGULATIONS—Continued  
 [Vermont SIP regulations 1972 to present]

| State citation, title and subject                                     | Date adopted by State | Date Approved by EPA | FEDERAL REGISTER Citation | Section 52.2370 | Comments and unapproved sections   |
|---|-----------------------|----------------------|---------------------------|-----------------|--|
| Section 5–211 Prohibition of visible air contaminants.                | 12/10/72              | 5/31/72              | 37 FR 10899 .....         | (b) .....       | 5–211 (1)(2) approved.   |
|   | 1/25/78               | 12/21/78             | 43 FR 59496 .....         | (c)(8) .....    |  |
|   | 8/12/78               | 4/16/82              | 47 FR 16331 .....         | (c)(16) .....   | 5–211 (3) not approved.  |
| Section 5–221 Prohibition of potentially polluting materials in fuel. | 12/10/72              | 5/31/72              | 37 FR 10899 .....         | (b) .....       | Except 5–221(c) (i) and (ii). Includes Moran Sta. Bubble Approval.   |
|   | 3/16/75               | 1/8/82               | 47 FR 948 .....           | (c)(14) .....   |  |
| Section 5–231 Prohibition of particulate matter.                      | 7/12/76               | 2/4/77               | 42 FR 6811 .....          | (c)(6) .....    | Regarding incinerators.<br>Regarding combustion contaminants.<br>Regarding incinerators asphalt plants.<br>Regarding wood processing plants.<br>Except Cersosimo Lumber, Rutland Plywood, Moran Sta.<br>Repealed 5–231 (4).<br>Approved for Cersosimo Lumber.<br>Approved for Rutland Plywood. |
|   | 1/25/78               | 12/21/78             | 43 FR 59496 .....         | (c)(8) .....    |  |
|   | 12/10/72              | 5/31/72              | 37 FR 10899 .....         | (b) .....       |  |
|   | 12/10/72              | 5/14/73              | 38 FR 12713 .....         | (c)(3) .....    |  |
|   | 11/19/73              | 3/22/76              | 41 FR 11819 .....         | (c)(5) .....    |  |
|   | 12/16/74              | 1/21/76              | 41 FR 3085 .....          | (c)(4) .....    |  |
|   | 7/12/76               | 2/4/77               | 42 FR 6811 .....          | (c)(6) .....    |  |
|   | 3/14/77               | 8/2/78               | 43 FR 33918 .....         | (c)(7) .....    |  |
|   | 1/25/78               | 12/21/78             | 43 FR 59496 .....         | (c)(8) .....    |  |
|   | 8/12/78               | 4/16/82              | 47 FR 16331 .....         | (c)(16) .....   |  |
| Section 5–241 Prohibition of nuisance and odor.                       | 12/10/72              | 5/31/72              | 37 FR 10899 .....         | (b) .....       |  |
|   | 11/19/73              | 3/22/76              | 41 FR 11819 .....         | (c)(5) .....    |  |
| Section 5–251 Control of nitrogen oxides emissions.                   | 1/25/78               | 12/21/78             | 43 FR 59496 .....         | (c)(8) .....    | Requires RACT for major stationary sources of NO <sub>x</sub> .<br>NO <sub>x</sub> RACT for Simpson Paper Company's Gilman facility.   |
|   | 12/10/72              | 5/31/72              | 37 FR 10899 .....         | (b) .....       |  |
|   | 1/25/78               | 12/21/78             | 43 FR 59496 .....         | (c)(8) .....    |  |
|   | 3/25/79               | 2/19/80              | 45 FR 10775 .....         | (c)(10) .....   |  |
|   | 11/4/79               | 2/19/80              | 45 FR 10775 .....         | (c)(10) .....   |  |
|   | 7/9/93                | 4/9/97               | 62 FR 17087 .....         | (c)(22) .....   |  |
| Section 5–252 Control of sulfur dioxide emissions.                    | 7/12/76               | 2/4/77               | 42 FR 6811 .....          | (c)(6) .....    |  |
|   | 1/25/78               | 12/21/78             | 43 FR 59496 .....         | (c)(8) .....    |  |
|   | 3/24/79               | 2/19/80              | 45 FR 10775 .....         | (c)(10) .....   |  |
|   | 11/4/79               | 2/19/80              | 45 FR 10775 .....         | (c)(10) .....   |  |
| Section 5–253 Control of volatile organic compounds.                  | 7/9/93                | 4/9/97               | 62 FR 17087 .....         | (c)(22) .....   | Requires RACT at non-CTG VOC sources.<br>Non-CTG VOC RACT for U.S. Samaica Corporation's Rutland facility.   |
|   | 1/4/95                | 4/9/97               | 62 FR 17087 .....         | (c)(22) .....   |  |
| Section 5–253.1 Petroleum Liquid Storage in Fixed Roof Tanks..        | 10/29/92              | 4/22/98              | 63 FR 19829 .....         | (c)(25) .....   |  |
| Section 5–253.2 Bulk Gasoline Terminals                               | 10/29/92              | 4/22/98              | 63 FR 19829 .....         | (c)(25) .....   |  |
| Section 5–253.3 Bulk Gasoline Plants. ....                            | 10/29/92              | 4/22/98              | 63 FR 19829 .....         | (c)(25) .....   |  |
| Section 5–253.4 Gasoline Tank Trucks. ....                            | 10/29/92              | 4/22/98              | 63 FR 19829 .....         | (c)(25) .....   |  |

TABLE 52.2381—EPA-APPROVED REGULATIONS—Continued  
[Vermont SIP regulations 1972 to present]

| State citation, title and subject   | Date adopted by State | Date Approved by EPA | FEDERAL REGISTER Citation | Section 52.2370 | Comments and un-approved sections                                   |
|---|-----------------------|----------------------|---------------------------|-----------------|---|
| Section 5–253.5 Stage I vapor recovery controls at gasoline dispensing facilities.. | 10/29/92              | 4/22/98              | 63 FR 19829 .....         | (c)(25) ...     |   |
| Section 5–253.10 Paper Coating. ....  | 10/29/92              | 4/22/98              | 63 FR 19829 .....         | (c)(25) ...     |   |
| Section 5–253.12 Coating of Flatwood Paneling..                                     | 10/29/92              | 4/22/98              | 63 FR 19829 .....         | (c)(25) ...     |   |
| Section 5–253.13 Coating of Miscellaneous Metal Parts..                             | 7/29/93               | 4/22/98              | 63 FR 19829 .....         | (c)(25) ...     |   |
| Section 5–253.14 Solvent Metal Cleaning.  | 7/29/93               | 4/22/98              | 63 FR 19829 .....         | (c)(25) ...     |   |
| Section 5–253.15 Cutback and Emulsified Asphalt..                                   | 8/2/94                | 4/22/98              | 63 FR 19829 .....         | (c)(25) ...     |   |
| Section 5–261 Control of hazardous air contaminants.                                | 11/3/81               | 2/10/82              | 47 FR 6014 .....          | (c)(15) ...     |   |
| Subchapter III Ambient Air Quality Stds   |                       |                      |                           |                 |   |
| Section 5–301 Scope .....   | 12/10/72              | 5/31/72              | 37 FR 10899 .....         | (b) .....       |   |
|   | 3/24/79               | 2/19/80              | 45 FR 10775 .....         | (c)(10) ...     |   |
|   | 12/15/90              | 3/5/91               | 56 FR 9177 .....          | (c)(20) ...     |   |
| Section 5–302 Sulfur dioxide primary .....  | 12/10/72              | 5/31/72              | 37 FR 10899 .....         | (b) .....       |   |
|   | 7/12/76               | 2/4/77               | 42 FR 6811 .....          | (c)(6) ...      |   |
|   | 3/24/79               | 2/19/80              | 45 FR 10775 .....         | (c)(10) ...     |   |
| Section 5–303 Sulfur dioxide (secondary) ..   | 12/10/72              | 5/31/72              | 37 FR 10899 .....         | (b) .....       |   |
|   | 7/12/76               | 2/4/77               | 42 FR 6811 .....          | (c)(6) ...      |   |
|   | 3/24/79               | 2/19/80              | 45 FR 10775 .....         | (c)(10) ...     |   |
| Section 5–304: PM10 Primary Standards .....   | 11/90                 | 8/1/97               | 62 FR 41282 .....         | (c)(23) ...     | Removal of the TSP standard and establishment of the PM10 standard. |
| Section 5–305: PM10 Secondary Standards .....                                       | 11/90                 | 8/1/97               | 62 FR 41282 .....         | (c)(23) ...     | Removal of the TSP standard and establishment of the PM10 standard. |
| Section 5–306 Carbon monoxide primary/secondary.                                    | 12/10/72              | 5/31/72              | 37 FR 10899 .....         | (b) .....       |   |
|   | 11/19/73              | 3/22/76              | 41 FR 11819 .....         | (c)(5) ...      |   |
|   | 3/24/79               | 2/19/80              | 45 FR 10775 .....         | (c)(10) ...     |   |
| Section 5–307 Ozone primary/secondary ..  | 12/10/72              | 5/31/72              | 37 FR 10899 .....         | (b) .....       |   |
|   | 12/16/74              | 1/21/76              | 41 FR 3085 .....          | (c)(4) ...      |   |
|   | 3/24/79               | 2/19/80              | 45 FR 10775 .....         | (c)(10) ...     |   |
| Section 5–308 Lead (primary/secondary) ...  | 11/3/81               | 2/10/82              | 47 FR 6014 .....          | (c)(15) ...     |   |
| Section 5–309 Nitrogen dioxide primary/secondary.                                   | 12/15/90              | 3/5/91               | 56 FR 9177 .....          | (c)(20) ...     |   |
| Subchapter IV Operations/Procedures   |                       |                      |                           |                 |   |
| Section 5–401 Classification of air contaminant sources.                            | 3/24/79               | 2/19/80              | 45 FR 10775 .....         | (c)(10) ...     |   |
| Section 5–402 Written reports when requested.                                       | 12/10/72              | 5/31/72              | 37 FR 10899 .....         | (b) .....       |   |
|   | 12/10/72              | 5/14/73              | 38 FR 12713 .....         | (c)(3) ...      |   |
|   | 11/19/73              | 3/22/76              | 41 FR 11819 .....         | (c)(5) ...      |   |
|   | 3/24/79               | 2/19/80              | 45 FR 10775 .....         | (c)(10) ...     | 5–402(1) only.  |
| Section 5–403 Circumvention .....   | 12/10/72              | 5/31/72              | 37 FR 10899 .....         | (b) .....       |   |
| Section 5–404 Methods for sampling and testing of sources.                          | 12/10/72              | 5/31/72              | 37 FR 10899 .....         | (b) .....       |   |
|   | 1/25/78               | 12/21/78             | 43 FR 59496 .....         | (c)(8) ...      |   |
|   | 3/24/78               | 2/19/80              | 45 FR 10775 .....         | (c)(10) ...     |   |
| Section 5–405 Required air monitoring .....   | 12/10/72              | 5/31/72              | 37 FR 10899 .....         | (b) .....       |   |
|   | 3/24/79               | 1/30/80              | 45 FR 6781 .....          | (c)(9) ...      | For PSD Plan.   |
|   | 3/24/79               | 2/19/80              | 45 FR 10775 .....         | (c)(10) ...     | For NSR Plan.   |
| Section 5–406 Required air modeling .....   | 3/24/79               | 1/30/80              | 45 FR 6781 .....          | (c)(9) ...      | For PSD Plan.   |
|   | 3/24/79               | 2/19/80              | 45 FR 10775 .....         | (c)(10) ...     | For NSR Plan.   |
| Subchapter V Review of New Air Contaminant Sources                                  |                       |                      |                           |                 |   |
| Section 5–501 Review of construction or modification of air contaminant sources.    | 12/10/72              | 5/31/72              | 37 FR 10899 .....         | (b) .....       |   |
|   | 12/10/72              | 5/14/73              | 38 FR 12713 .....         | (c)(3) ...      |   |
|   | 1/25/78               | 12/21/78             | 43 FR 59496 .....         | (c)(8) ...      |   |
|   | 3/24/79               | 1/30/80              | 45 FR 6781 .....          | (c)(9) ...      | Except 5–501(3).  |
|   | 11/04/79              | 2/19/80              | 45 FR 10775 .....         | (c)(10) ...     | Except 5–501(3).  |
|   | 11/03/81              | 2/10/82              | 47 FR 6014 .....          | (c)(15) ...     |   |
|   | 9/17/86               | 7/17/87              | 52 FR 26982 .....         | (c)(19) ...     | Related to visibility in Class I areas. 5–501(4) approved.          |

TABLE 52.2381—EPA-APPROVED REGULATIONS—Continued  
[Vermont SIP regulations 1972 to present]

| State citation, title and subject                               | Date adopted by State | Date Approved by EPA | FEDERAL REGISTER Citation | Section 52.2370 | Comments and un-approved sections   |
|---|-----------------------|----------------------|---------------------------|-----------------|---|
| Section 5–502 Major stationary sources and major modifications. | 3/24/79               | 1/30/80              | 45 FR 6781 .....          | (c)(9) .....    | Except 5–502(5).<br>Except 5–502(5).<br>Related to visibility in Class I areas. 5–502 (4)(d) and (4)(e) approved. |
|   | 11/04/79              | 2/19/80              | 45 FR 10775 .....         | (c)(10) ...     |   |
|   | 11/03/81              | 2/10/82              | 47 FR 6014 .....          | (c)(15) ...     |   |
|   | 9/17/86               | 7/17/87              | 52 FR 26982 .....         | (c)(19) ...     |   |
|   | 7/14/95               | 8/4/97               | 62 FR 41870 .....         | (c)(24) ...     |   |
| Subchapter VII Motor vehicle emissions                          |                       |                      |                           |                 |   |
| Section 5–701 Removal of control devices                        | 12/10/72              | 5/31/72              | 37 FR 10899 .....         | (b) .....       |   |
|   | 3/24/79               | 2/19/80              | 45 FR 10775 .....         | (c)(10) ...     |   |
| Section 5–702 Excessive smoke emissions from motor vehicles.    | 12/10/72              | 5/31/72              | 37 FR 10899 .....         | (b) .....       |   |
|   | 3/24/79               | 2/19/80              | 45 FR 10775 .....         | (c)(10) ...     |   |
| Section 5–801 Effective date .....                              | 3/24/79               | 1/30/80              | 45 FR 6781 .....          | (c)(9) .....    |   |
| Table 1—Process weight standards .....                          | 12/10/72              | 5/31/72              | 37 FR 10899 .....         | (b) .....       |   |
|   | 1/25/78               | 12/21/78             | 43 FR 59496 .....         | (c)(8) .....    |   |
| Figure 1—Fuel-burning equipment .....                           | 12/10/72              | 5/31/72              | 37 FR 10899 .....         | (b) .....       |   |
|   | 7/12/76               | 2/4/77               | 42 FR 6811 .....          | (c)(6) .....    |   |
|   | 1/25/78               | 12/21/78             | 43 FR 59496 .....         | (c)(8) .....    |   |
| Table 2—PSD increments .....                                    | 3/24/79               | 1/30/80              | 45 FR 6781 .....          | (c)(9) .....    |   |
|   | 12/15/90              | 3/5/91               | 56 FR 9177 .....          | (c)(20) ...     | Addition of NO <sub>2</sub> increments for Class I, II, and III areas.  |
| Table 3—Levels of significant impact for non-attainment areas.  | 3/24/79               | 2/19/80              | 45 FR 10775 .....         | (c)(10) ...     |   |
|   | 11/4/79               | 2/19/80              | 45 FR 10775 .....         | (c)(10) ...     |   |
|   | 11/3/81               | 2/10/82              | 47 FR 6014 .....          | (c)(15) ...     |   |
| Definitions .....   | 4/20/88               | 1/10/95              | 60 FR 2527 .....          | (c)(21) ...     |   |
| Section 5–802, Requirement for Registration                     | 4/20/88               | 1/10/95              | 60 FR 2527 .....          | (c)(21) ...     |   |
| Section 5–803, Registration Procedure .....                     | 4/20/88               | 1/10/95              | 60 FR 2527 .....          | (c)(21) ...     |   |
| Section 5–804, False or Misleading Information.                 | 4/20/88               | 1/10/95              | 60 FR 2527 .....          | (c)(21) ...     |   |
| Section 5–805, Commencement or Re- commencement of Operation.   | 4/20/88               | 1/10/95              | 60 FR 2527 .....          | (c)(21) ...     |   |
| Sections 5–806, Transfer of Operation .....                     | 4/20/88               | 1/10/95              | 60 FR 2527 .....          | (c)(21) ...     |   |

[49 FR 46142, Nov. 23, 1984, as amended at 50 FR 7768, Feb. 26, 1985; 50 FR 23810, June 6, 1985; 52 FR 26982, July 17, 1987; 56 FR 9177, Mar. 5, 1991; 60 FR 2527, Jan. 10, 1995; 62 FR 17087, Apr. 9, 1997; 62 FR 41282, Aug. 1, 1997; 62 FR 41870, Aug. 4, 1997; 63 FR 19828, Apr. 22, 1998; 63 FR 23501, Apr. 29, 1998]

**§ 52.2382 Rules and regulations.**

(a) *Non-Part D—No Action.* EPA is neither approving or disapproving the following elements of the revisions:

- (1) Permit fees.
- (2) Intergovernmental consultation.
- (3) Stack height requirements.
- (4) Interstate pollution notification requirements.
- (5) Conflict of interest requirements.

(b) *Regulation for visibility monitoring and new source review.* The provisions of §§ 52.26 and 52.27 are hereby incorporated and made a part of the applicable plan for the State of Vermont.

[45 FR 10782, Feb. 19, 1980, as amended at 45 FR 59315, Sept. 9, 1980; 46 FR 66789, Oct. 8, 1980; 46 FR 16897, Mar. 16, 1981; 50 FR 28553, July 12, 1985]

**§ 52.2383 Visibility protection.**

(a) The requirements of section 169A of the Clean Air Act are not met because the plan does not include approvable procedures meeting the requirements of 40 CFR 51.305 and 51.307 for protection of visibility in mandatory Class I Federal areas.

(b) Regulations for visibility monitoring and new source review. The provisions of §§ 52.26 and 52.27 are hereby incorporated and made part of the applicable plan for the State of Vermont.

[51 FR 5505, Feb. 13, 1986]

§ 52.2384

40 CFR Ch. I (7-1-98 Edition)

**§ 52.2384 Stack height review.**

The State of Vermont has declared to the satisfaction of EPA that no existing emission limitations have been affected by stack height credits greater than good engineering practice or any other prohibited dispersion techniques as defined in EPA's stack height regulations, as revised on July 8, 1985. This declaration was submitted to EPA on March 21, 1986. The State has further declared in a letter from Harold T. Garabedian, dated March 21, 1986, that, "[T]he State concludes that our present rule 5-502(4)(d) is adequate to insure that new emission sources will

not be able to use credits from modeling ambient impacts at greater than 'good engineering practice' stack height or from using 'other dispersion techniques.'" Thus, Vermont has satisfactorily demonstrated that its regulations meet 40 CFR 51.118 and 51.164.

[52 FR 49407, Dec. 31, 1987]

**§ 52.2385 Requirements for state implementation plan revisions relating to new motor vehicles.**

Vermont must comply with the requirements of § 51.120.

[60 FR 4738, Jan. 24, 1995]